

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DARYL BARTHALOW,)	
)	
Plaintiff,)	
)	
v.)	No. 2:21-cv-00010-JPH-MJD
)	
DAN BEDWELL, et al.)	
)	
Defendants.)	

ORDER DENYING MOTION TO RECONSIDER

Plaintiff, Daryl Barthalow, seeks reconsideration of the Court's dismissal of this action. "Motions to reconsider serve a limited function, to be used 'where the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the Court by the parties, or has made an error not of reasoning but of apprehension.'" *Davis v. Carmel Clay Schs.*, 286 F.R.D. 411, 412 (S.D. Ind. 2012) (quoting *Bank of Waunakee v. Rochester Cheese Sales, Inc.*, 906 F.2d 1185, 1191 (7th Cir. 1990)) (additional quotations omitted). A court may grant a motion to reconsider where a movant demonstrates a manifest error of law or fact; however, a motion to reconsider is not an occasion to make new arguments. *In re Prince*, 85 F.3d 314, 324 (7th Cir. 1996); *Granite St. Ins. Co. v. Degerlia*, 925 F.2d 189, 192 n.7 (7th Cir. 1991). In other words, "[m]otions to reconsider are not replays of the main event." *Dominguez v. Lynch*, 612 F. App'x 388, 390 (7th Cir. 2015).

Here, the Court entered final judgment on June 8, 2021, after three months elapsed without an initial partial payment or explanation of any kind from Mr. Barthalow, despite the Court's repeated instructions. *See* dkts. 7, 8, 9. Mr. Barthalow argues for the first time in his motion to reconsider that administrative delays at his facility caused his failure to pay. *See* dkt. 11 at 1–2.

While Mr. Barthalow disagrees with the Court's dismissal of this action, he does not show that the Court committed any manifest error in its ruling. Accordingly, the motion for reconsideration, dkt. [11], is **DENIED**. To the extent that Mr. Barthalow wishes to pursue the claims alleged in his complaint, he may initiate a new civil action.

SO ORDERED.

Date: 8/10/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email

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